

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION)	
_____)	Judge Patti B. Saris
)	
THIS DOCUMENT RELATES TO:)	
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, <i>et al.</i>)	
01-cv-12257-PBS and 03-cv-11226-PBS)	
_____)	


NOTICE OF VOLUNTARY DISMISSAL
OF EMD, INC.

Please take notice that plaintiffs in the above-captioned matters hereby dismiss all claims against defendant EMD, Inc., without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1). EMD, Inc. has not served an answer or motion for summary judgment in the above-captioned matters; therefore, plaintiffs' claims will be dismissed without order of this Court, upon filing of this notice of dismissal.

Respectfully submitted,

BILL LOCKYER
Attorney General for the State of California

Dated: December 20, 2005


By: 
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Attorneys for Plaintiff,
STATE OF CALIFORNIA

CERTIFICATE OF SERVICE

I hereby certify that I, John P. Fisher, Deputy Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse, for the State of California, caused a true and correct copy of the foregoing **NOTICE OF VOLUNTARY DISMISSAL OF EMD, INC.** to be served electronically on counsel of record pursuant to Paragraph 11 of the Case Management Order No. 2, by sending a copy to LexisNexis File and Service for posting and notification to all parties.

Dated: December 20, 2005



JOHN P. FISHER
Deputy Attorney General